

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-408

May 16, 2000

CASCO BAY ISLAND TRANSIT DISTRICT
Request for Waiver of Chapter 560

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we grant Casco Bay Island Transit District's (CBITD) request for a waiver of Chapter 560's requirements relating to publication of rate changes in a local newspaper of general circulation.

II. BACKGROUND

Chapter 560 of our Rules requires that notice of any alterations to CBITD's rates and tolls be published twice in a newspaper of general circulation in the area served by CBITD at least 30 days in advance of the effective date of the alterations. It also requires that additional notice be given by posting the alterations in a conspicuous place at CBITD's terminals and on each of its vessels.

On April 6, 2000, CBITD filed revised rate schedules with the Commission. The filing did not indicate that CBITD had complied with Chapter 560's publication requirements. The Commission requested that CBITD supplement its filing with the necessary proof of publication.

On April 14, 2000, CBITD filed supplemental information showing that the proposed rates changes were published in CBITD's newsletter, the Bayliner, and that numerous public meetings relating to the rate changes were held, all of which were noticed by postings in CBITD's terminal, on its boats, and on the islands. CBITD noted, however, that it was unsure whether publication in the Bayliner satisfied Chapter 560. It therefore requested that if the Commission found publication in the Bayliner did not satisfy Chapter 560, the Commission grant a waiver for this year because of the extensive publication of the changes already provided and the need to get the rates in effect before the busy season started.

III. DECISION

We find that Chapter 560's requirement of publication in a newspaper of general circulation requires more than publication in CBITD's newsletter. While the newsletter reaches the year-round customers, it does not reach occasional and seasonal users

who live in the Portland area. Accordingly, all future notices should be published in the Portland Press Herald.

With regard to CBITD's request for a waiver for this year, we will grant the waiver, pursuant to Chapter 110(103). It is clear from the materials provided by CBITD on April 14, 2000, that CBITD has made extensive efforts to notice the rate schedules and, indeed, allow for public participation. Given this level of notice and the need to get the new rates in force before the start of the busy season, we find that good cause exists to grant CBITD's request for this year only.

Dated at Augusta, Maine, this 16th day of May, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.